

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CHEVRON CORPORATION,)	
Petitioner,)	
)	
v.)	No. 1:10mc27
)	(related cases)
CHARLES CHAMP,)	
Respondent.)	
_____)	
)	
RODRIGO PEREZ PALLARES and)	
RICARDO REIS VEIGA,)	
Petitioners,)	
)	
v.)	No. 1:10mc28
)	(related cases)
CHARLES CHAMP,)	
Respondent.)	

This matter is before the court upon Plaintiffs' Motion to Stay Pending Rule 72 Review. Magistrate Judge Howell issued an Order in these matters on August 28, 2010 granting the Petitioners' Applications for Discovery Pursuant to 28 U.S.C. § 1782. Respondents were directed to produce the documents commanded in the subpoena by close of business tomorrow, September 1, and to attend and participate in a deposition on September 8. Judge Howell also denied Respondents' Motion to Stay pending appeal.

To obtain a stay pending review, the Respondents must show on balance: "(1) that [they] will likely prevail on the merits of the appeal, (2) that [they] will suffer irreparable injury if the stay is denied, (3) that other parties will not be substantially harmed by the stay, and (4) that the public interest will be served by granting the stay." *Long v. Robinson*, 432 F.2d 977, 979 (4th Cir. 1970).

After reviewing the matter, the court finds that Respondents have failed to demonstrate a substantial likelihood of success on the merits. Judge Howell's Order appears to be a correct

application of the law and is in accordance with the numerous other district courts that have decided the related Section 1782 cases. Moreover, the court finds that Respondents will not suffer irreparable harm should the court deny the stay. In contrast, given the September 16 deadline set by the Ecuadorian court, any delay could potentially cause Petitioners irreparable injury. Lastly, the court finds that there is no evidence that the public interest would be served by a stay. Accordingly,

IT IS THEREFORE ORDERED that the Motion to Stay Pending Rule 72 Review is hereby DENIED.

Signed: August 31, 2010

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

